

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**OHIO & VICINITY CARPENTERS'
FRINGE BENEFIT FUNDS, INC.,**

Plaintiff,

v.

Case No. 3:16-cv-498
District Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington

NPS f/k/a SOLID ROCK CONSTRUCTION,

Defendant.

ORDER AND NOTICE OF GARNISHMENT

To: Fifth Third Bank
500 Chillicothe St.
Portsmouth OH 45662

Judgment Creditor in the above case have filed an affidavit, satisfactory to the undersigned in this Court stating that you may have money, property, or credits, other than personal earnings, in your hands or under your control that belong to Judgment Debtor NPS f/k/a SOLID ROCK CONSTRUCTION is 2420 Gallia Street, Portsmouth, OH 45662, and that some of the money, property, or credits possessed by the above-described entities may not be exempt from execution or garnishment under the laws of the state of Ohio or the laws of the United States.

You are therefore ordered to complete the "ANSWER OF GARNISHEE" in section (B) of this form. Return one completed and signed copy of this form to the clerk of this court together with the amount determined in accordance with the "ANSWER OF GARNISHEE" by the following date on which a hearing is tentatively scheduled relative to this order of garnishment: April 30, 2019. Deliver one completed and signed copy of this form to Judgment Debtors prior to that date. Keep the other completed and signed copy of this form for your files.

The total probable amount now due under Judgment Creditor's judgments is \$62,318.41, plus post-judgment interest. The total probable amount now due includes the unpaid portion of the judgments rendered in favor of Judgment Creditor.

You are also ordered to hold safely anything of value that belongs to the Judgment Debtor and that has to be paid to the court, as determined under the "ANSWER OF GARNISHEE" in section (B) of this form, but that is of such a nature that it cannot be so delivered, until further order of the court.

Witness my hand and the seat of this Court this 21st day of March, 2019.

s/Sharon L. Ovington

Sharon L. Ovington

United States Magistrate Judge

SECTION B. ANSWER OF GARNISHEE

Now comes _____ the
Garnishee who says:

1. That the Garnishee has money, property, or credits, other than personal earnings of Judgment Debtor under the Garnishee's control and in the Garnishee's possession.

_____ Yes No _____

If yes, amount: _____

2. That the property is described as:

3. If the answer to line 1 is "yes" and the amount is less than the probable amount now due on the judgment, as indicated in Section (A) of this form, sign the form and pay the amount of line 1 to the clerk of this court.

4. If the answer to line 1 is "yes" and the amount is greater than that probable amount now due on the judgment, as indicated in Section (A) of this form, sign and return this form and pay that probable amount now due to the clerk of this court.

5. If the answer to line 1 is "yes" but the money, property, or credits are of such a nature that they cannot be delivered to the clerk of this court, indicate that by placing an "X" in this space: _____. Do not dispose of that money, property, or credits or give them to anyone else until further order of the Court.

6. If the answer to line 1 is "no," sign and return this form to the clerk of this court.

I certify that the statements above are true.

(Print Name of Garnishee)

(Print Name and Title of Person who Completed Form)

Signed:

(Signature of Person Completing Form)

Dated this _____ day of _____, 2019.
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